

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

|                           |   |                    |
|---------------------------|---|--------------------|
| UNITED STATES OF AMERICA, | ) |                    |
|                           | ) |                    |
| Plaintiff,                | ) | Case No. 07-MJ-284 |
|                           | ) |                    |
| v.                        | ) |                    |
|                           | ) | DETENTION ORDER    |
| JOHN MALCOLM STEWART,     | ) |                    |
|                           | ) |                    |
| Defendant.                | ) |                    |
| _____                     | ) |                    |

Offenses charged:

Count 1: Misrepresenting a Social Security Number in violation of 42 U.S.C. § 408(a)(7)(B).

Count 2: Aggravated Identity Theft in violation of 18 U.S.C. § 1028(A).

Date of Detention Hearing: June 14, 2007.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds the following:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) Defendant is facing serious charges of identity theft.
- (2) Defendant continued to commit acts of identity theft even after the execution of a March 2007 search warrant involving identity theft.
- (3) Defendant has an extensive criminal background history, including a history of probation violations, indicating an inability or unwillingness to follow court orders.

(4) The Assistant United States Attorney proffered evidence indicating that defendant was planning to flee the jurisdiction to Oklahoma after the execution of a March 2007 search warrant.

(5) Defendant is not employed.

(6) Defendant appears to have an on-going substance-abuse problem.

(7) There appear to be no conditions or combination of conditions other than detention that will reasonably address the risk of flight and danger to other persons or the community.

IT IS THEREFORE ORDERED:

(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

(4) The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 14th day of June, 2007.

  
JAMES P. DONOHUE  
United States Magistrate Judge